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CLERK OF SUPERIOR COURT  
COCHISE COUNTY, ARIZONA

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF COCHISE

STATE OF ARIZONA,

Plaintiff,

vs.

DOUGLAS PACKER,

Defendant.

PLEA AGREEMENT

CR201900043

CR201900089

CR201900090

CR201900091

The State of Arizona and the Defendant hereby agree to the following disposition of this case:

PLEA: The Defendant shall plead guilty to:

COUNT 1 OF PLEA AGREEMENT

On or about January 4, 2019, DOUGLAS PACKER committed kidnapping by knowingly restraining another person with intent to inflict death, injury or sexual offense to victim, to wit: restrained D.K. with intent to inflict a sexual assault on her, in violation of A.R.S. §§13-1304, 13-1301, 13-105, 13-701, 13-702, and 13-801, a class 2 felony and amendment to Count 7 of the Indictment in CR201900043.

COUNT 2 OF PLEA AGREEMENT

On or about January 4, 2019, DOUGLAS PACKER committed unlawful sexual conduct by, as an employee of the Cochise County Jail, intentionally or knowingly engaged in any act of a sexual nature with an offender who was in the custody of the Cochise County Jail, to wit: E.D., in violation of A.R.S. §§13-1419, 13-1401, 13-105, 13-701, 13-702, and 13-801, a class 5 felony and amendment to Count 8 of the Indictment in CR201900043.

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**COUNT 3 OF PLEA AGREEMENT**

On or between October 10, 2014 to January 2015, **DOUGLAS PACKER** committed unlawful sexual conduct by, as an employee of the Cochise County Jail, intentionally or knowingly engaged in any act of a sexual nature with an offender who was in the custody of the Cochise County Jail, to wit: had a sexual encounter with M.M., in violation of A.R.S. §§13-1419, 13-1401, 13-105, 13-701, 13-702, and 13-801, a class 5 felony and Count 2 of the Indictment in CR201900089.

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**COUNT 4 OF THE PLEA AGREEMENT**

On or between November 27<sup>th</sup> to 29<sup>th</sup> 2017, **DOUGLAS PACKER** committed unlawful sexual conduct by, as an employee of the Cochise County Jail, intentionally or knowingly engaged in any act of a sexual nature with an offender who was in the custody of the Cochise County Jail, to wit: S.P., in violation of A.R.S. §§13-1419, 13-1401, 13-105, 13-701, 13-702, and 13-801, a class 5 felony and Count 1 of the Indictment in CR201900090.

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**COUNT 5 OF THE PLEA AGREEMENT**

On or about July 2018, **DOUGLAS PACKER** committed sexual abuse by intentionally or knowingly engaging in sexual contact with a person fifteen or more years of age without consent, to wit: touched N.C.'s genitals, in violation of A.R.S. §§13-1404, 13-1401, 13-105, 13-701, 13-702, and 13-801, a class 5 felony and Count 5 of the Indictment in CR201900090.

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**COUNT 6 OF THE PLEA AGREEMENT**

On or between April 2018 to June 2018, **DOUGLAS PACKER** committed unlawful sexual conduct by, as an employee of the Cochise County Jail, intentionally or knowingly engaged in any act of a sexual nature with an offender who was in the custody of the Cochise County Jail, to wit: A.D., in violation of A.R.S. §§13-1419, 13-1401, 13-105, 13-701, 13-702, and 13-801, a class 5 felony and Count 4 of the Indictment in CR201900091.

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**As to Counts 1-6 Defendant admits an aggravating factor pursuant to A.R.S. §13-701.D.9 that the victims suffered emotional harm.**

**The provisions of A.R.S. § 13-704 do not apply or are not alleged in this case.**

1. **SENTENCING RANGE:** The crime charged in Count 1 of this plea agreement has a presumptive term of imprisonment in the Department of

1 Corrections of 5 years; a minimum term of 4 years; 3 years if the Court makes  
2 a finding of exceptional circumstances; and a maximum term of 10 years; 12.5  
3 years if the Court makes a finding of exceptional circumstances. The  
4 maximum fine that can be imposed is \$150,000 plus 83% surcharge.

5 The crimes charged in Counts 2-6 of this plea agreement have a presumptive  
6 term of imprisonment in the Department of Corrections of 1.5 years; a  
7 minimum term of .75 year; .5 year if the Court makes a finding of exceptional  
8 circumstances; and a maximum term of 2 years; 2.5 years if the Court makes a  
9 finding of exceptional circumstances. The maximum fine that can be imposed  
10 is \$150,000 plus 83% surcharge.

11 **2. PROBATION: Probation IS NOT available as to Counts 1, 2, 4-6.**  
12 **Probation IS available as to Count 3 of this plea agreement and may be up**  
13 **to lifetime probation.** Whether or not Defendant's sentence is suspended and  
14 Defendant is placed on probation is within the sole discretion of the Court.  
15 Unless otherwise stated within the Stipulation/Recommendations Regarding  
16 Sentences section of this agreement, there is no agreement the State will  
17 recommend or stipulate Defendant be granted probation. If granted probation,  
18 Defendant can be sentenced up to one year in the County jail as a condition of  
19 probation, and probation will be either standard supervision or intensive  
20 probation supervision (IPS) unless otherwise stipulated by the parties within  
21 this agreement. If granted probation, the terms and conditions thereof are  
22 subject to modification at any time during the period of probation in the event  
23 Defendant violates any written condition of his probation. Defendant agrees to  
24 execute a Waiver of Extradition in connection with any probation revocation  
25 proceedings required in the event that his violation of any term or condition of  
probation, if probation is granted, results in the filing of a Petition to Revoke  
such probation. . Defendant further agrees to reimburse any law enforcement  
agency for the expense of bringing him back from any other State, County, or  
Correctional Facility for any proceeding in connection with this case

3. **COMMUNITY SUPERVISION:** If the Defendant is sentenced to prison the  
Defendant must serve at least eighty-five percent (85%) of the sentence  
imposed. The Defendant shall also be sentenced to serve a term of community  
supervision equal to one-seventh of the prison term to be served following to  
the actual period of imprisonment. If the Defendant fails to abide by the  
conditions of community supervision, the Defendant can be required to serve  
the remaining term of community supervision in prison.

4. **STATUTORY SENTENCING PROVISIONS:** Defendant shall register as  
a sex offender pursuant to A.R.S. §13-3821, *et. seq.* Defendant shall pay a

1 **\$250 assessment pursuant to A.R.S. §13-3821(Q).**

2 5. **RESTITUTION:** The Defendant agrees to pay restitution to all the victims  
3 named in the original indictment, even if they are not named within the specific  
4 charge to which the Defendant is pleading guilty. The Defendant understands  
5 he is jointly and severally liable for the entire restitution amount(s). The  
6 Defendant specifically agrees to make restitution to the victim(s) for losses  
suffered as a result of the course of conduct of which the Defendant may only  
be a part. The Defendant agrees to pay restitution in the total amount of or up  
to TBD capped at \$50,000. *restitution to be left open for*


7 6. **DEFERRED JAIL TIME:** If Defendant is sentenced to probation, Defendant  
8 shall be incarcerated in the Cochise County Jail for a period of thirty (30) days.  
9 This period of incarceration will be deferred during any and all periods of time  
10 during which Defendant is fully compliant with the terms and conditions of  
11 probation. Up to fourteen (14) days of this deferred incarceration may be  
12 imposed at any time or times during the term of probation if the Court  
concludes that Defendant violated any term or condition of probation. Any  
portion of this deferred incarceration not imposed during the term of probation  
shall be automatically vacated upon Defendant's successful completion of  
probation. *60 days after sentencing - TBN*

13 The Court will determine whether Defendant violated a term or condition of  
14 probation based upon a verified petition filed by the Cochise County Adult  
15 Probation Department. Defendant will be provided with a copy of any such  
16 petition, and will be provided an opportunity to be heard, before the deferred  
17 incarceration is imposed. The Defendant hereby waives any right he may have  
to be represented by an attorney when the Court decides whether to impose this  
deferred jail time.

18 Any violation of probation known to the assigned Adult Probation Officer at  
19 the time the deferred incarceration is imposed shall not later be alleged in any  
20 Petition to Revoke Probation.

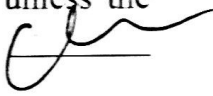
21 This deferred incarceration is in addition to jail time served by Defendant prior  
22 to sentencing or imposed by the Court at the time of sentencing.

23 Defendant acknowledges and agrees that the hearing may be conducted by  
24 interactive audiovisual system.


- 1 7. **STIPULATION/RECOMMENDATIONS REGARDING SENTENCE:** As  
2 to Count 1, Defendant shall be sentenced to a partially aggravated  
3 sentence of 7 years in the Department of Corrections. As to Counts 2, 4, 5,  
4 and 6 Defendant shall be sentenced to maximum sentences of 2 years in the  
5 Department of Corrections. All prison sentences will run consecutive to  
each other for a total of 15 years. As to Count 3 Defendant shall be  
sentenced to a lifetime probation tail. The Defendant shall be required to  
register as a sex offender for life pursuant to A.R.S. §13-3821. 


6 NO Fine TRD

- 7 8. **DISMISSAL OF CHARGES:** The following charges are dismissed or, if not  
8 yet filed, shall not be brought against the Defendant: Counts 1-6, 9, 10 of the  
9 Indictment in CR201900043, Counts 1, 3-12 of the Indictment in  
CR201900089, Counts 2-4, 6-13 of the Indictment in CR201900090, Counts  
1-3 of the Indictment in CR201900091.

- 10 9. **PLEA DEADLINE:** This plea offer will automatically terminate unless the  
11 plea agreement is entered on or before November 18, 2019. 


21 TRD


- 12 10. **PRE-SENTENCE INTERVIEW:** Defendant waives his right to remain silent  
13 during the pre-sentence interview. Defendant will honestly answer all  
14 questions from the probation officer during, including but not limited to  
15 providing a "Defendant's Version" of the crime and surrounding circumstances.  
16 Defendant's history of drug and alcohol use, and Defendant shall participate  
17 fully in substance abuse or other screening and testing as requested by the  
18 probation officer. The parties agree that if Defendant does not fully participate  
19 in the pre-sentence interview as agreed herein, such failure undermines the  
20 Court's ability to assess Defendant's amenability to probation supervision, his  
potential danger to the community, and to determine what probation services  
are necessary to rehabilitate Defendant. For these reasons, the parties stipulate  
that if Defendant does not fully participate in the pre-sentence interview as  
agreed herein, Defendant shall be sentenced to a term of imprisonment  
notwithstanding any other provision of this Plea Agreement. 


- 21 11. **PRISON MANDATORY PLEA:** If this is a prison mandatory plea, pursuant  
22 to Rule 7.2(c)(b), the Defendant will be taken into custody at the time of the  
23 change of plea, whether or not the plea is accepted at that time. 


- 24 12. **WAIVER OF PROBABLE CAUSE DETERMINATION:** If the Defendant  
25 is charged with a felony he hereby gives up his right to a preliminary hearing or  
other probable cause determination on the charges to which he pleads. In the

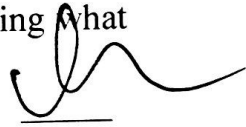


1 event the Court rejects the plea, or the Defendant withdraws the plea, the  
2 Defendant hereby gives up his right to a preliminary hearing or other probable  
3 cause hearing. \_\_\_\_\_ 

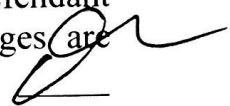
- 4 13. **POSSIBLE COLLATERAL CONSEQUENCE:** If you are not a citizen of  
5 the United States, pleading guilty or no contest to a crime may affect your  
6 immigration status. Admitting guilt may result in your deportation even if the  
7 charge is later dismissed. Your plea or admission of guilt could result in your  
8 deportation or removal, could prevent you from ever being able to get legal  
9 status in the United States or could prevent you from becoming a United States  
10 citizen. 

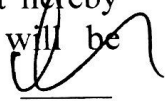
- 11 14. **AMENDMENT OF CHARGES:** This agreement serves to amend the  
12 indictment or information to charge the offense to which the Defendant pleads  
13 without the filing of any additional pleading. However, if the plea is rejected  
14 by the Court or withdrawn by either party, or if the conviction is subsequently  
15 overturned on appeal, the original charges and any charges that are dismissed  
16 by reason of this plea agreement are automatically reinstated. 


- 17 15. **WAIVER OF DEFENSES, MOTIONS, ETC.:** Unless this plea is rejected by  
18 the Court or withdrawn by either party, the Defendant hereby waives and gives  
19 up any and all motions, defense objections, or requests which he had made or  
20 raised, or could assert hereafter, to the Court's entry of judgment against him  
21 and imposition of a sentence upon him consistent with this agreement. 


- 22 16. **FINDING OF AGGRAVATING OR MITIGATING CIRCUMSTANCE:**  
23 By entering into this agreement the Defendant agrees that the Court may find  
24 any fact used to impose sentence to be true by a preponderance of the evidence,  
25 and that the Court is not bound by the Rules of Evidence in determining what  
evidence to consider. 

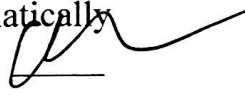
- 26 17. **ACCEPTANCE/REJECTION/WITHDRAWAL OF PLEA:** The parties  
agree that the Court shall accept this plea at the time of the Defendant's change  
of plea. The State's participation in this plea agreement is conditioned upon the  
Court's acceptance of the plea at the change of plea hearing. If, after accepting  
the plea, the Court concludes that the agreement is inappropriate for any  
reason, including but not limited to, an amendment or reduction of the original  
charges, dismissal of charges, withdrawal of allegations pursuant to A.R.S. §§

1 13-704, 13-705, 13-708, 13-707.C, 13-901.03, 13-703, 13-703.E-J or 13-703,  
2 the Court may reject the plea. Should the Court reject the plea, the Defendant  
3 hereby waives all claims of double jeopardy and all original charges are  
automatically reinstated. 

4 The parties agree that it is the Court's duty to impose sentence upon the  
5 Defendant, and that any sentence stipulated to is not binding on the Court. If  
6 the Court concludes that any of the plea agreement's provisions regarding the  
7 sentence or the terms and conditions of probation are inappropriate, it can  
8 reject the plea. If the court rejects the plea agreement provisions regarding  
9 sentencing, both parties shall be given the opportunity to withdraw from this  
10 agreement. However, if neither the State nor the Defendant elects to withdraw  
11 from the agreement, then any sentence stipulated to is not binding upon the  
Court, and the Court is bound only by the sentencing limits set forth in the  
applicable statutes. Should the Court reject this agreement for any reason, or  
the State or Defendant withdraw from the agreement, the Defendant hereby  
waives all claims of double jeopardy and all original charges will be  
automatically reinstated. 

12 The Defendant understands that by entering this plea, he may withdraw from  
13 the plea only if the court finds that withdrawal is necessary to correct a  
14 manifest injustice. Should the Defendant withdraw from the agreement, the  
Defendant hereby waives all claims of double jeopardy and all original charges  
are automatically reinstated. 

15 The Defendant agrees that should he be charged with or commit a new crime  
16 after the entry of the plea, the State may withdraw from the agreement. Should  
17 the Defendant be charged with or commit a new crime and the State withdraws  
18 from the plea agreement, the Defendant hereby waives all claims of double  
jeopardy and all original charges are automatically reinstated. 

19 This agreement is specifically conditioned upon the Defendant having no prior  
20 felony conviction(s) and the State will not be bound by this agreement and may  
21 withdraw the agreement if the Defendant has a prior felony conviction(s).  
22 Should the State withdraw from the agreement, the Defendant hereby waives  
all claims of double jeopardy and all original charges are automatically  
reinstated. 

- 23 18. **DISPOSAL OF EVIDENCE:** The Defendant understands that by entering  
24 into this plea agreement, he waives notice of disposition of evidence in the  
25 possession of any law enforcement agency seized or otherwise obtained for use  
in this case and any case dismissed according to the terms of this agreement.

1 The Defendant agrees that such evidence may be disposed of. The Defendant  
2 further understands and agrees that in the event this case or any case dismissed  
3 according to the terms of this agreement goes to trial the evidence may not be  
4 available and the State will not be required to introduce such evidence.  
Nothing in this agreement prohibits either party from photographing,  
reproducing, describing, etc., evidence for future use, including trial.

- 5 19. **FORFEITURE OF PROPERTY:** This plea agreement does not affect in any  
6 way any action to forfeit the Defendant's property pursuant to A.R.S. §§13-  
7 2314, 13-3413 or 32-1993, or under §13-4301 et. seq., including any action that  
8 may be based on facts that gave rise to the indictment, whether such action is  
presently pending or filed hereafter.

### 9 **WAIVER OF RIGHTS**

10 I understand that by pleading guilty or no contest in a non-capital case I  
11 will waive the right to have the appellate Courts review the proceedings by way of direct  
12 appeal, and I may seek review only by filing a petition for post-conviction relief pursuant  
13 to Rule 32 in this Court and, if denied, a petition for review.

14 I understand that by pleading guilty I will be giving up the following  
15 constitutional rights: (a) The right to trial by jury; (b) The right to have a jury determine  
16 beyond a reasonable doubt any fact used to impose sentence within the range set forth  
17 above including aggravating circumstances in accordance with A.R.S. §§13-702.A.B.  
18 and C., 13-703, 13-703.E-J, 13-704, 13-708, 13-901.03 and 13-709.03; (c) The right to  
19 the assistance of an attorney at trial, and to be appointed an attorney, to be furnished free  
of charge, if I cannot afford one; (d) The right to confront the witnesses against me and  
to cross-examine them as to the truthfulness of their testimony; (e) The right to present  
evidence on my own behalf and to have the State compel witnesses of my choosing to  
appear and testify; (f) The right to remain silent and to be presumed innocent until  
proven guilty beyond a reasonable doubt; (g) The right to a direct appeal.

20 The defendant and Counsel each agree that there is no known reason at this  
21 time to believe that a mental health examination or diagnostic evaluation pursuant to  
22 Criminal Rule 26.5 is necessary or helpful.

23 I agree to enter my plea as indicated above on the terms and conditions set  
24 forth herein.  
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1 I have read and understand the above. I have discussed the case and my  
2 constitutional rights with my lawyer.

DDP

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4 I have personally and voluntarily signed the signature line below to indicate  
5 I read and approved all of the previous paragraphs in this agreement, both individually  
6 and as a total agreement.

7 Defendant

  
**Douglas Packer, Defendant**

Date

11-21-19

8 I have discussed this case with my client in detail and advised him of his  
9 constitutional rights and possible defenses. I believe that the plea and disposition set  
10 forth herein are appropriate under the facts of this case. I concur in the entry of the plea  
11 as indicated above and on the terms and conditions set forth herein.

12 Defense Counsel

  
**Jacob Amaru, Esq., Attorney for Defendant**

Date

11/21/19

13 I have reviewed this matter and concur that the plea and disposition set  
14 forth herein are appropriate and are in the interests of justice.

15  
16 Prosecutor

  
**Lori Ann Zucco, Chief Criminal Deputy County Attorney**

Date

11/21/19